

MINUTES [0:30]

May 26, 2009

MARSHA LIVELY, ET AL

CIVIL ACTION NO. 08-cv-0226

VERSUS

REFERRED TO:

ELDORADO CASINO SHREVEPORT
JOINT VENTURE

MAGISTRATE JUDGE HORNSBY

A status conference was held on May 26, 2009 to discuss the Motion in Limine (Doc. 31) filed by Defendant. The motion alleges that Plaintiffs failed to comply with the Scheduling Order deadline for providing an expert report.

This is the second time Plaintiffs missed their expert report deadline. In the initial Scheduling Order (Doc. 17) issued at the August 19, 2008 scheduling conference, the deadline for Plaintiffs' expert report was October 31, 2008. On November 24, 2008, Defendant filed a Motion in Limine (Doc. 21) which pointed out that Plaintiffs missed their deadline for the expert report (and for the exchange of Plaintiffs' fact witness list). At a status conference held on January 29, 2009, the court issued a new Scheduling Order (Doc. 30) and denied Defendant's Motion in Limine. That Scheduling Order, which remains in effect, set March 31, 2009 as the deadline for Plaintiffs' expert report. The Motion in Limine (Doc. 31) that is currently pending alleges that Plaintiffs missed their expert report deadline again.

Defendant's Motion in Limine is **granted**. Because Plaintiffs missed their expert report deadline, they will not be allowed to call any expert witnesses at trial. Plaintiffs

missed their expert report deadline twice, and neither time did Plaintiffs come to court before the deadline passed and ask for additional time to retain a new expert or obtain a report from their existing expert. The court understands and appreciates that counsel for Plaintiff had great difficulty in communicating with Plaintiffs' expert (Mr. French), but that difficulty has been ongoing now for at least one year. Plaintiffs should have come to the court to obtain an extension of time before their deadline passed.

The case remains set for trial on September 21, 2009. The pretrial conference is set for August 21, 2009 at 10:00 a.m. All Scheduling Order dates and deadlines remain in full force and effect.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE